On Approval of the Regulation on Licensing Of Insurance Activity
on the Territory of the Republic of Kazakstan

Resolution of the Government of the Republic of Kazakstan of April 19, 1996 No 478

In pursuance of the Edicts of the President of the Republic of Kazakstan with the force of law of April 17, 1995 No 2200 "On Licensing" and of October 3, 1995 No 2475 "On Insurance" the Government of the Republic of Kazakstan hereby decrees:

Approve:

The Regulation on Licensing of Insurance Activity on the Territory of the Republic of Kazakstan according to Annex 1;

the form of license to carry out insurance activity according to Annex 2.

Prime-Minister
of the Republic of Kazakstan

Annex 1
to the Resolution of the Government of the Republic of Kazakstan
of April 19, 1996 No 478

1. General Provisions

1. This Regulation has been developed in accordance with the Edict of the President of the Republic of Kazakstan with the force of law of October 3, 1995 No 2475 "On Insurance", the Regulation on State Insurance Supervision of the Republic of Kazakstan (Gosstrakhnadzor of the Republic of Kazakstan) and the legislative acts in force.

2. Carrying out of insurance activity will be allowed subject to the availability of the license.

3. Licensing of insurance activity will be made by the Gosstrakhnadzor of the Republic of Kazakstan.

4. The insurance activity which licensing procedure will be specified by this Regulation means the activity of the insurer related to conclusion and execution of insurance and reinsurance contracts.

5. The insurance agency which obtained the license for the right to carry out the life insurance will not have the right to be engaged in any other insurance activity.

6. The legal person registered as an insurance agency will acquire the status of the insurer and the right to carry out the insurance activity from the date of obtaining the license.

7. The activity of insurance agent, insurance broker and also the activity related to the assessment of insurance risks, determination of damage levels, insurance payments, other calculation and investigation activity in the sphere of insurance will not require obtaining of the license.

8. The conditions provided for by this Regulation will be uniform for all legal persons carrying out their activity in accordance with the Edict of the President of the Republic of Kazakstan with the force of law "On Insurance".

2. Concept, Types and Forms of License to Carry out Insurance Activity

9. The license to carry out the insurance activity means the permit acknowledging the right of its owner to carry out this activity on the territory of the Republic of Kazakstan subject to observation thereby of the conditions and requirements of the current legislation.

The license is unlimited in time and is applicable on the entire territory of the Republic of Kazakstan.

10. The form of the license will be approved by the Government of the Republic of Kazakstan and contain the following requisites:

name of the insurer possessing the license and its legal address;

organizational and legal form of the insurer;
name and the degree of binding force of the type of insurance activity;
period of validity of the license;
insurance territory;
series, No of the license and the date of issue;
signature of the head (or deputy head) and the official seal of the Gosstrakhnadzor of the Republic of Kazakstan;
registration number;
place of issue of the license.

The list of types of insurance for which the insurer is entitled will be attached to the license for carrying out of voluntary personal and property insurance.

11. The license will be issued for carrying out of:
voluntary life insurance;
voluntary personal insurance;
voluntary property insurance;
compulsory types of insurance established by the legislative acts of the Republic of Kazakstan.

The life insurance means concluding and execution of insurance contracts providing for payments of insurance amounts in cases of:
death of the insured person;
expiry of the insurance period or reaching by the ensured person of the insurance age specified by the contract;
payment of rental income (pension) to the insured person in cases stipulated by the insurance contract (expiration of the insurance contract period, reaching by the insured person of the certain age, current payments during the validity period of the insurance contract).

Personal insurance includes accident insurance, health insurance, disability insurance and insurance of other interests related to the citizen's personality.

Property insurance includes insurance of property and the related interests including business risks insurance and liability insurance.

3. Licensees

12. The license to carry out insurance activity can be granted to the legal person registered on the territory of the Republic of Kazakstan subject to observation of the requirements prescribed by the legislation of the Republic of Kazakstan and this Regulation.

13. For obtaining the license the legal person should possess the paid in capital under the current legislation.

4. The Procedure of Issue of the License for the Right to Carry out the Insurance Activity

14. For obtaining the license to carry out the insurance activity the legal persons will submit the following documents to the Gosstrakhnadzor of the Republic of Kazakstan:

1) application for its obtaining;
2) copies of statutory documents (notarized):
   by-laws elaborated in accordance with the current law;
   founders agreement;
3) copy of the act of state registration of the legal person;
4) the documents certifying the payment of the authorized capital (certificate of the bank, data of the independent auditing of the monetary evaluation of the deposit in case if the part of contribution to the authorized capital was contributed by the property of founders and other documents);
5) the rules (conditions) by types of insurance which in accordance with the Edict of the President of the Republic of Kazakstan with the force of law "On Insurance" and the general conditions of validity of transactions laid down in the civil legislation should contain:

indication of the range of insurance subjects;

indication of insurance objects;

indication of the list of insurance cases in emergence of which the insurer's responsibility on insurance payments occurs (basic and additional conditions);

insurance tariffs;

indication of insurance periods; the procedure of concluding the insurance contracts and payment of insurance premiums;

mutual commitments of the parties on the insurance contract and possible cases of refusal of payment on insurance contracts;

the procedure of consideration of claims on the insurance contract.

The samples of forms of insurance contracts and insurance certificates (policies, certificates) and for medical insurance also the copies of contracts with health care institutions should be attached to the rules (conditions) of insurance.

The rules (conditions) of insurance will be submitted in two copies, sewn, numbered, approved by the head of the insurance agency;

6) calculation of insurance tariffs with attachment of the used methodology of calculation and indication of the source of initial data approved by the head of the insurance agency and also the structure of tariff rates in two copies;

7) reference concerning the head and his/her deputies.

When obtaining the license one copy of the rules (conditions) of insurance and of the tariff structure with the mark of the Gossrakhnadzor of the Republic of Kazakstan will be returned to the insurer. Other documents and their copies will not be issued.

The insurers which obtained the license in the Gosstrakhnadzor of the Republic of Kazakstan when applying for the license for new types of insurance or for admission to carry out new types of insurance will submit the documents indicated in item 14 except sub-items 2, 3, 4, 7 unless the information thereon has been changed.

15. The Gosstrakhnadzor of the Republic of Kazakstan will consider the application of legal persons on granting the license thereto within one month from the date of submission by the applicant of additional information or the document requested by the Gosstrakhnadzor.

16. For issuance of every license to carry out the insurance activity the payment will be collected from the insurance agency in the amount and in accordance with the procedure established by the tax legislation of the Republic of Kazakstan. The payment will be made after adoption of the decision of issue of the license.

17. The insurer will be obliged to inform the Gosstrakhnadzor of the Republic of Kazakstan of the changes introduced in the documents serving as basis for issue of the license within one month from the date of introducing such changes with the presentation of supporting documents.

5. Refusal of a License

18. Granting of the license can be refused for the following reasons:

if in applying for the license the applicant failed to submit all the documents required as per item 14 of this Regulation;

if the license is applied by the legal person which in accordance with the Edict of the President of the Republic of Kazakstan with the force of law "On Insurance" has no right to carry out the insurance activity on the territory of the Republic of Kazakstan;

if in respect of the head of the insurance agency the court decision exists which forbids him to be engaged in the insurance activity;

if the amount of the authorized capital has not been paid in accordance with the provisions of the Edict of the President of the Republic of Kazakstan with the force of law "On Insurance";

if insurance documents (contracts, rules, conditions of insurance, etc.) prepared by the insurance agency applying for the license by their content do not meet the requirements of the insurance legislation.

In case of elimination by the applicant of the said obstacles the applications and the documents enclosed therewith will be examined on the usual terms.

19. In case of refusal of the license the applicant will be provided with the motivated response in writing with the indication of reasons of refusal by the dates established for consideration of the application, in which case the documents will not be returned.

6. Final Provisions

20. The Gosstrakhnadzor of the Republic of Kazakstan will publish monthly the data on insurance organizations which were granted the licenses to carry out insurance activity with the indication of:

name of the insurer;
legal addresses;
organizational and legal forms;
dates of issue of the license;
No of the license;
types of insurance allowed by the license.

21. The insurer will have the right to appeal against the actions of the Gosstrakhnadzor of the Republic of Kazakstan in accordance with the procedure established by the legislation of the Republic of Kazakstan.

Annex 2
to the Resolution of the Government of the Republic of Kazakstan
of April 19, 1996 No 478

The State Emblem
of the Republic of Kazakstan

STATE INSURANCE SUPERVISION OF THE REPUBLIC OF KAZAKSTAN

Series_____ No _____

STATE LICENSE
for the right to carry out insurance activity

Issued_____
(name of the insurer and its
_____
organizational and legal form)
Legal address_____

Type of insurance activity
_____
_____
(types of voluntary, personal and property insurance are indicated in the annex)

Degree of binding force_____

Period of the license unlimited
The license is applicable on the territory of the Republic of Kazakstan

Chairman (Deputy)
of the Gossrakhnadzor

Seal here "____" _____199____
Registration No
Almaty

STATE INSURANCE SUPERVISION
OF THE REPUBLIC OF KAZAKSTAN

ANNEX No
(without license is invalid)

to the state license No_____series_____as of_____
for the right to carry out insurance activity

_____
(name of insurance agency)
the right to carry out the following types of insurance is granted
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

Note. The list of insurance types is certified
by the Chairman (Deputy) and the seal of the Gossrakhnadzor